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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,152	12/27/2000	David Weigand	68135469.206600 (P04786)	8707
26689	7590	11/19/2004	EXAMINER	
WILDMAN, HARROLD, ALLEN & DIXON 225 WEST WACKER DRIVE CHICAGO, IL 60606			VINCENT, DAVID ROBERT	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,152

Applicant(s)

WEIGAND, DAVID

Examiner

David R Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10, 12, 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 4, 7, 11, 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive. The applicant has not indicated any specific limitation that was not addressed in the first office action. However, since the examiner inadvertently used the wrong reason for indicating why claims 8 and 15 were addressed as being obvious, a second non-final rejection follows.

Claim Rejections - 35 USC § 103

2. Claims 1-3, 5-6, 8-10, 12-13, 15-17 are rejected under 35 U.S.C. 103(a) as being obvious over Weigand (US 5,822,308) in view of Levy (US 5,524,008).

Weigand discloses a microcode RAM (128; col. 2, lines 40-49; col. 6, lines 26-44; col. 7, lines 20-25), storing a frame program (frame program (series of instructions; various routines, col. 2, lines 26-67; microcode, col. 7, lines 20-25; col. 8, lines 64-67; transmit routine, col. 8, lines 20-42; building frame slots, col. 6, lines 25-44; build slots, col. 5, lines 20-30) comprising a certain instruction (various subroutines, col. 2, lines 40-44; high level instructions, col. 3, lines 31-34; series of commands, col. 6, lines 26-29; a bit count, col. 7, lines 61-64; various routines, col. 8, lines 64-67; command flow sequences, col. 6, lines 41-44), a

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microsequencer (124, Fig. 7) for executing the instructions (col. 6, lines 25-31; command flow sequences, col. 6, lines 41-44; col. 8, lines 32), a microwire (col. 5, lines 1-6), a delay unit (col. 5, lines 46-51; enable and disable devices in the proper sequence and at the proper times, col. 6, lines 58-63; delay block, 144, col. 7, line 61-col. 8, line 6; sequencer to be held in wait, col. 8, lines 20-42), instruction comprises a value indicative of a number of bytes (RAM provides instructions and generates sequences of control codes, col. 3, lines 31-34; the codes and instructions are themselves a number of bytes and they direct the microsequencer to handle, read/write a number of bytes, col. 6, lines 25-44), the value is indicative of a period of time (the microcode instructions can indicate to wait or to synchronize, col. 6, lines 56-67; col. 8, lines 20-44), storing at an address (a RAM holding a program or subroutine will store each line of code or command line at a specific address and the controller or microsequencer will know what address each routine starts at, col. 6, lines 25-44; col. 8, lines 20-42), as specified in claims 1-3, 5-6, 8-10, 12-13, 15-17.

However, Weigand fails to use the phrase "frame program", as specified in claims 1, and 15, and transmitting a predetermined number of bytes to the radio components, as specified in claim 8.

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Levy teaches first-third frame programs (Fig. 1A; col. 1, lines 11-50, a series of frames, col. 1, lines 15-22; frame programs, col. 4, lines 10-27), and that a set of instructions in computer terminology is a program and in the TDMA environment a frame program (col. 2, lines 50-67; col. 4, lines 10-27), transmitting a number of bytes to radio components (setting up the slots, col. 4, lines 55-58, col. 5, lines 20-45, col. 6, lines 5-9, col. 9, lines 29-45; transferring codes or commands, col. 6, lines 56-67, transmitting voice, col. 6, lines 26-44), preventing executing of other instructions (col. 2, lines 50-61, interrupting, col. 5, lines 6-19; standby mode, col. 5, lines 46-60, delay block, col. 7, line 61-col. 8, line 6; interrupt unit, col. 8, lines 20-42, being in the transmit mode or receive mode, col. 9, lines 6-27).

Claims 4, 7, 11, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. When reading the claims in light of the specification, none of the references of record alone or in combination disclose or suggest the combination of limitations specified claims 4, 7, 11, 14 including the phrase minus one.

Response to Arguments

In re pg. 5, the applicant argues not one instance was found where a full quote of any claim recitations appeared.

In response, the examiner did address the claim limitations and although only specific terms were used to reference, it is implied that the surrounding terms or environment were included. For example, when the term "frame program" was addressed by indicating that the portions of the applied art in the parenthesis "(series of instructions; various routines, col. 2, lines 26-67, col. 8, lines 64-67; transmit routine, col. 8, lines 20-42; building frame slots, col. 6, lines 25-44; build slots, col. 5, lines 20-30)" read on the term "frame program" the surrounding words and environment were clearly addressed. For example, when considering the portions of the applied art indicated, one of ordinary skill would realize that not just any frame program was addressed but, e.g., "a method for receiving a plurality of frame programs" was addressed. In fact, although the applied did disclose programs/subroutines running in TDMA devices (series of commands, col. 6, lines 26-55; subroutines used in waking up, col. 5, lines 46-60 and building slots/creating TDMA frames, and complying with the TDMA protocol, Figs. 1, 11; col. 4, lines 53-55), the examiner did not reject the term as being anticipated but rather rejected the term as being obvious and included a reference that specifically

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taught the same exact phrase "frame programs" (Levy: Fig. 1A; col. 1, lines 11-50, a series of frames, col. 1, lines 15-22; frame programs, col. 4, lines 10-27), and that a set of instructions in computer terminology is a program and in the TDMA environment a frame program (Levy: col. 2, lines 50-67; col. 4, lines 10-27). Therefore not only did the examiner address the term "frame program" which was **not further defined**, the examiner went as far as proving that a program is in fact a series of instructions/commands, etc.

Since the applicant failed to particularly point out any specific limitation not addressed, the examiner cannot respond in more detail. The examiner cannot find any where in the MPEP where it states that "full quotes" of limitations must be used and the actual limitations including the surrounding words were addressed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571 272 3078. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/9/04
David R Vincent
Primary Examiner
Art Unit 2661

November 9, 2004